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Commission on Crime Prevention and Criminal Justice
Twenty-third session
Vienna, 12-16 May 2014
Item 5 of the provisional agenda*
Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice

Italy and Mexico: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Strengthening international cooperation and criminal justice responses to prevent and counter the smuggling of migrants

The General Assembly,

Expressing its deepest concern over the damage done to society and the rule of law as a result of the smuggling of migrants, and over the fact that individual migrants have lost their lives in dangerous smuggling operations, and commending the health-care, law enforcement and civil society personnel who have dedicated themselves to protecting and assisting smuggled migrants,

Expressing its deepest concern also about the increase in the activities of transnational and national organized criminal entities and others that profit from crimes against migrants, especially women and children, including when unaccompanied, without regard for dangerous and inhumane conditions, threatening their lives in flagrant violation of domestic laws and international law and contrary to international standards,

Reaffirming its resolutions 66/128 of 19 December 2011, entitled "Violence against women migrant workers", 66/172 of 19 December 2011, entitled "Protection of migrants", 67/185 of 20 December 2012, entitled "Promoting efforts to eliminate

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violence against migrants, migrant workers and their families", 67/219 of 21 December 2012, entitled "International migration and development", 68/4 of 3 October 2013, entitled "Declaration of the High-level Dialogue on International Migration and Development", and 68/193 of 18 December 2013, entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity",

Recognizing that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, and also recognizing that this cross-cutting phenomenon should be addressed in a coherent, comprehensive and balanced manner, while respecting human rights and integrating development aspects, with due regard for social, economic and environmental dimensions,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent immigration policies and laws, migrants become more vulnerable to crime, including kidnapping, extortion, forced labour, sexual exploitation and physical assault, as well as to debt servitude and abandonment,

Affirming that crimes against migrants continue to pose serious challenges and require a concerted international assessment and response, as well as genuine multilateral cooperation among countries of origin, transit and destination, for the eradication of such crimes,

Recognizing all efforts made by Governments, all relevant bodies, agencies, funds and programmes of the United Nations system, other relevant intergovernmental, regional and subregional organizations, including the International Organization for Migration and other organizations within the Global Migration Group, and the Special Rapporteur on the human rights of migrants, as well as non-governmental stakeholders, including the private sector and civil society, in addressing international migration and development for the benefit of both migrants and societies,

Recognizing also the increasing need for more effective international information-sharing, law enforcement cooperation and mutual legal assistance to prevent and counter the smuggling of migrants,

Stressing the importance of regulations and laws regarding irregular migration, including the smuggling of migrants, at all levels of government in countries of origin, transit and destination, being in accordance with the obligations of States under international law, including international human rights law,

Bearing in mind the need for a focused and consistent criminal justice approach to the smuggling of migrants, as well as to all crimes committed against migrants, in particular women and children, as a group that is especially vulnerable to abuse and crime,

Underlining that, although the crime of smuggling of migrants may share, in some cases, some common features with the crime of trafficking in persons, Member States need to recognize that they are distinct crimes requiring separate and complementary legal, operational and policy responses,

Welcoming the work and tools of the United Nations Office on Drugs and Crime in the framework of the global programme against the smuggling of migrants,

including the *Model Law against the Smuggling of Migrants*, the *International Framework for Action to Implement the Smuggling of Migrants Protocol* and the *Assessment Guide to the Criminal Justice Response to the Smuggling of Migrants*,

Recalling that the theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha from 12 to 19 April 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation",

1. *Underlines* the need to tackle migration challenges caused by transnational organized crime through international, regional or bilateral cooperation and dialogue;

2. *Also underlines* that international cooperation to prevent and counter the smuggling of migrants implies a common and shared responsibility among Member States;

3. *Further underlines* the crucial role of the United Nations Convention against Transnational Organized Crime[1] and of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[2] as the primary international legal instruments to combat the smuggling of migrants and related conduct;

4. *Takes note with appreciation* of the increasing level of adherence to the Protocol against the Smuggling of Migrants by Land, Sea and Air and, on the tenth anniversary of its entry into force, urges States parties to implement it fully, and calls upon States that have not done so to consider ratifying or acceding to the Protocol as a matter of priority;

5. *Urges* Member States to develop and implement comprehensive and balanced strategies to raise awareness and understanding, in countries of origin, transit and destination, about the smuggling of migrants as a criminal activity, perpetrated for the purpose of profit, taking advantage of the vulnerability, ignorance and needs of migrants and also putting their lives at risk;

6. *Expresses its deep concern* about the high level of impunity so far enjoyed by smugglers and their accomplices, as well as other members of organized criminal entities, and stresses the need to establish or upgrade national and regional policies and strategies against the smuggling of migrants and to reinforce cooperation for the prevention of that crime and for the prosecution of smugglers;

7. *Calls upon* States parties to continue to review and, as appropriate, strengthen their relevant legislation and their entire criminal justice process, and to establish as criminal offences the acts covered by the Smuggling of Migrants Protocol and the Organized Crime Convention, including by introducing appropriate sanctions commensurate with the nature and gravity of the offence;

8. *Urges* Member States to avail themselves, to the fullest extent possible, of the international cooperation framework provided by the Organized Crime Convention, the Smuggling of Migrants Protocol and other relevant international

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[2] Ibid., vol. 2241, No. 39574.

legal instruments, in order to ensure that they have an adequate legal framework to allow for extradition, mutual legal assistance and other cooperation tools in relation to such crimes;

9. *Also urges* Member States to cooperate with each other and with relevant international organizations to the fullest extent possible to prevent and suppress the smuggling of migrants by land, sea and air, and to facilitate the return of individuals who have been the object of smuggling operations to their country of origin, including through measures to enhance the capacity of States to accept the return of their nationals or permanent residents;

10. *Encourages* Member States to ensure that, in investigating and prosecuting the smuggling of migrants, the concurrent undertaking of financial investigations is considered, with a view to tracing, freezing and confiscating proceeds acquired through that crime, and to consider the smuggling of migrants to be a predicate offence of money-laundering;

11. *Also encourages* Member States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and, as called for in the Organized Crime Convention, to take appropriate measures to grant migrants effective protection against any type of violence that may be inflicted upon them, including protection from potential retaliation or intimidation for testifying as witnesses in criminal proceedings;

12. *Emphasizes* the need for reliable collection of data and research, at the national, regional and international levels, on the smuggling of migrants, including on smuggling networks and the involvement of organized crime in countries of origin, transit and destination, and on the links between smuggling of migrants and other crimes, such as corruption and trafficking in human beings, in firearms and in drugs;

13. *Encourages* Member States to exchange information to the fullest extent possible on best practices to promote cooperation and coordination, at the national, regional and international levels, to prevent, investigate and prosecute the smuggling of migrants by sea, in accordance with applicable domestic and international law, in particular the international law of the sea;

14. *Also encourages* Member States to reinforce multi-agency cooperation and coordination, such as by considering the establishment of multi-agency centres for the purpose of data collection, strategic and tactical analysis and information-sharing in order to detect, prevent and suppress the smuggling of migrants;

15. *Urges* Member States to provide specialized training for law enforcement, immigration and border control officials and coastguard personnel, as well as forensic experts, prosecutors and judges, so that they are better able to recognize and deal with issues related to the smuggling of migrants;

16. *Recognizes* the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and the need to avoid approaches that might aggravate their vulnerability, and reaffirms the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, irrespective of their migration status, nationality, gender, ethnicity,

religion or age, taking into account the special needs of women and children, especially when unaccompanied;

17. *Stresses* the need to deepen the interaction between Governments and civil society to find responses to the challenges posed by the smuggling of migrants, and to recognize the contribution of civil society, including non-governmental organizations, to promoting the well-being of migrants and their integration into societies;

18. *Invites* Member States to fully utilize all relevant tools developed by the United Nations Office on Drugs and Crime within the global programme against the smuggling of migrants and the relevant regional and national programmes, including the Sharing Electronic Resources and Laws against Organized Crime knowledge management portal, and also invites Member States to provide to the Secretariat legislation and case law related to the smuggling of migrants, for inclusion in that knowledge management portal;

19. *Encourages* the United Nations Office on Drugs and Crime to continue providing technical assistance aimed at strengthening the capacity of Member States to criminalize, investigate and prosecute the smuggling of migrants;

20. *Requests* the United Nations Office on Drugs and Crime to strengthen collaboration and cooperation with all relevant bodies, agencies, funds and programmes of the United Nations system, other relevant intergovernmental, regional and subregional organizations, including Global Migration Group members, within their respective mandates, in order to adopt a coherent, comprehensive and coordinated approach and thus to fully address the challenges posed by the smuggling of migrants;

21. *Encourages* Member States to make the best use of the relevant work and initiatives of the institutes of the United Nations crime prevention and criminal justice programme network in order to promote regional and international cooperation against the smuggling of migrants;

22. *Encourages* Member States and the United Nations Office on Drugs and Crime to promote cooperation on the most effective ways to prevent and counter the smuggling of migrants, in view of, among other things, the workshop on the topic "Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims", to be held within the framework of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice;

23. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations;

24. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-fifth session on the implementation of the present resolution.

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Commission on Crime Prevention and Criminal Justice
Twenty-third session
Vienna, 12-16 May 2014
Item 7 of the provisional agenda*
World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

Italy and Mexico: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

United Nations Guidelines for Crime Prevention and Criminal Justice Responses with respect to Trafficking in Cultural Property and Other Related Offences

The General Assembly,

Recalling its resolutions 66/180 of 19 December 2011 and 68/186 of 18 December 2013, entitled "Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking",

Recalling also the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in its resolution 55/25 of 15 November 2000,[1] as well as the United Nations Convention against Corruption, adopted by the Assembly in its resolution 58/4 of 31 October 2003,[2]

Recalling further the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,[3] the Convention on Stolen or Illegally

* E/CN.15/2014/1.
[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[2] Ibid., vol. 2349, No. 42146.
[3] Ibid., vol. 823, No. 11806.

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Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,[4] and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,[5] and the two Protocols thereto, adopted on 14 May 1954[5] and 26 March 1999,[6] and other relevant conventions, and reaffirming the necessity for those States that have not done so to consider ratifying or acceding to and, as States parties, implementing those international instruments,

Alarmed at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and observing that illicitly trafficked cultural property is increasingly being sold through markets, including in auctions, in particular over the Internet, and that such property is being unlawfully excavated and illicitly exported or imported with the facilitation of modern and sophisticated technologies,

Recognizing the indispensable role of crime prevention and criminal justice responses in combating all forms and aspects of trafficking in cultural property and related offences in a comprehensive and effective manner,

Recalling the report of the Secretary-General on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking (E/CN.15/2013/14),

Welcoming the initiatives promoted within the United Nations crime prevention and criminal justice programme network and the cooperative network established among the United Nations Office on Drugs and Crime of the Secretariat, the United Nations Educational, Scientific and Cultural Organization, the International Council of Museums, the International Criminal Police Organization (INTERPOL), the International Institute for the Unification of Private Law and the World Customs Organization in the area of protection against trafficking in cultural property, and encouraging these entities to continue playing an active role in this area,

Recalling that the theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha from 12 to 19 April 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation", and considering that one of the workshops to be held within the framework of the Congress will focus on strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation,

Reiterating the significance of cultural property as part of the common heritage of humankind and as unique and important testimony of the culture and identity of peoples and the necessity of protecting cultural property, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects of trafficking in cultural property,

[4] Ibid., vol. 2421, No. 43718.
[5] Ibid., vol. 249, No. 3511.
[6] Ibid., vol. 2253, No. 3511.

Recognizing that the United Nations Guidelines for Crime Prevention and Criminal Justice Responses with respect to Trafficking in Cultural Property and Other Related Offences, contained in the annex to the present resolution, can be considered by Member States in the development and strengthening of their policies, strategies, legislation and cooperation mechanisms to prevent and combat trafficking in cultural property and related offences in all situations,

1. *Welcomes* the work of the meeting of the expert group on protection against trafficking in cultural property held in Vienna from 15 to 17 January 2014 to finalize the United Nations Guidelines for Crime Prevention and Criminal Justice Responses with respect to Trafficking in Cultural Property and Other Related Offences;

2. *Adopts* the United Nations Guidelines for Crime Prevention and Criminal Justice Responses with respect to Trafficking in Cultural Property and Other Related Offences, contained in the annex to the present resolution, as a useful instrument to guide the efforts of Member States, at both the policymaking and capacity-building levels, in the area of protection against trafficking in cultural property;

3. *Encourages* Member States to implement the Guidelines to the maximum extent possible and to harmonize their legislation in order to strengthen international cooperation in this field;

4. *Also encourages* Member States to undertake efforts to overcome practical difficulties in the implementation of the Guidelines in their constant endeavour to combat trafficking in cultural property;

5. *Further encourages* Member States to draw upon the Guidelines, in accordance with national law, in their national efforts and measures to ensure that effective crime prevention and criminal justice policies, strategies, legislation and cooperation mechanisms are put in place to prevent and combat trafficking in cultural property and related offences;

6. *Invites* Member States and the United Nations Office on Drugs and Crime of the Secretariat to promote a comprehensive debate and target-oriented cooperation on protection against trafficking in cultural property in light of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, as well as on the basis of the outcomes of the regional preparatory meetings held in 2014;

7. *Requests* the United Nations Office on Drugs and Crime to continue to provide advisory services and technical assistance to Member States, upon request, in the area of crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences, in cooperation with relevant international organizations and making use of the work of the institutes of the United Nations crime prevention and criminal justice programme network, as appropriate;

8. *Also requests* the United Nations Office on Drugs and Crime to make the Guidelines widely available, including through the development of relevant tools such as handbooks and training manuals;

9. *Further requests* the United Nations Office on Drugs and Crime to develop a practical assistance tool to assist in the implementation of the Guidelines,

taking into consideration the technical background document developed for the elaboration of the Guidelines and the comments made by Member States;

10. *Invites* Member States to fully exploit all relevant tools developed by the United Nations Office on Drugs and Crime, including the Sharing Electronic Resources and Laws against Crime knowledge management portal (SHERLOC), and also invites Member States to provide to the Secretariat legislation and case law related to trafficking in cultural property, for inclusion in the portal;

11. *Invites* Member States and other donors to provide extrabudgetary resources for those purposes, in accordance with the rules and procedures of the United Nations;

12. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-fifth session on the implementation of the present resolution.

Annex

United Nations Guidelines for Crime Prevention and Criminal Justice Responses with respect to Trafficking in Cultural Property and Other Related Offences

Introduction

1. The United Nations guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences have been developed in recognition of the criminal character of such offences and their devastating consequences for the cultural heritage of humankind. Pursuant to General Assembly resolutions 66/180 and 68/186 and Economic and Social Council resolution 2010/19, draft guidelines were developed by the United Nations Office on Drugs and Crime (UNODC) in consultation with Member States and in close cooperation, as appropriate, with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Criminal Police Organization (INTERPOL) and other competent international organizations.

2. The first draft of the guidelines was reviewed at an informal expert group meeting, held from 21 to 23 November 2011, composed of 20 experts from around the world, with expertise in various fields related to the subject matter of the guidelines, including representatives of INTERPOL, UNESCO and the International Institute for the Unification of Private Law (Unidroit). Based on the valuable comments and advice on improving the draft, a second draft was presented to and discussed by the intergovernmental expert group on protection against trafficking in cultural property in its second meeting, held from 27 to 29 June 2012. Taking into account a compendium, prepared by the Secretariat, of comments made by Member States on the draft guidelines, the intergovernmental expert group reviewed and revised the guidelines at its third meeting, held from 15 to 17 January 2014, with a view to their finalization.

3. The guidelines are based on crime prevention and criminal justice aspects of protection against trafficking in cultural property, taking into consideration a review of current practices and initiatives in several countries in addressing the problem of trafficking in cultural property, as well as principles and norms arising from the analysis of the following international legal instruments: the United Nations Convention against Transnational Organized Crime of 2000; the United Nations

Convention against Corruption of 2003; the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954; the First Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954; the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1999; the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts of 1977 (Additional Protocol I); the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970; the Unidroit Convention on Stolen or Illegally Exported Cultural Objects of 1995 and the Convention on the Protection of the Underwater Cultural Heritage of 2001.

4. This set of non-binding guidelines is available to Member States for their consideration in the development and strengthening of crime prevention and criminal justice policies, strategies, legislation and cooperation mechanisms to prevent and combat trafficking in cultural property and related offences in all situations. Their development follows the expression, by the General Assembly and the Economic and Social Council in their resolutions, of alarm at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and of the need to promote international cooperation to combat crime in a concerted manner.

5. The guidelines have the purpose of serving as a reference for national policymakers and as a tool for capacity-building in the area of crime prevention and criminal justice responses to trafficking in cultural property and related offences, in coordination with UNESCO and other competent international organizations, as appropriate. On the basis of the guidelines finalized by the intergovernmental expert group and submitted to the Commission on Crime Prevention and Criminal Justice, and taking into consideration the technical background document containing the version of the guidelines dated April 2012, and the comments made by Member States, the Commission may ask the Secretariat to develop a practical assistance tool, as appropriate, to aid in the implementation of the guidelines.

6. The guidelines contain four chapters:

(a) Chapter I contains guidelines on crime prevention strategies (including information and data collection, the role of cultural institutions and the private sector, the monitoring of the cultural property market, imports and exports, and archaeological sites, as well as education and public awareness);

(b) Chapter II contains guidelines on criminal justice policies (including adherence to and implementation of relevant international treaties, the criminalization of specific harmful conduct or the establishment of administrative offences, corporate liability, seizure and confiscation and investigative measures);

(c) Chapter III contains guidelines on international cooperation (including matters related to jurisdictional basis, extradition, seizure and confiscation, cooperation among law enforcement and investigating authorities, as well as the return, restitution or repatriation of cultural property);

(d) Chapter IV contains a guideline on the scope of application of the guidelines.

I. Prevention strategies

A. Information and data collection

Guideline 1. States should consider establishing and developing inventories or databases, as appropriate, of cultural property for the purpose of protection against its trafficking. The absence of registration of cultural property in such inventories shall by no means exclude it from protection against trafficking and related offences.

Guideline 2. States should consider, where possible under their domestic legislation, the relevant cultural property as registered in the official inventory of a State that has enacted laws on national or State ownership, provided that the owner State has issued a public formal statement to that effect.

Guideline 3. States should consider:

(a) Introducing or improving statistics on import and export of cultural property;

(b) Introducing or improving statistics, where practical, on administrative and criminal offences against cultural property;

(c) Establishing or improving national databases, as appropriate, on trafficking in cultural property and related offences and on trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded or missing cultural property;

(d) Introducing mechanisms to enable the reporting of suspicious dealings or sales on the Internet;

(e) Contributing to international data collection on trafficking in cultural property and related offences through the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems, conducted by UNODC and the INTERPOL database on stolen works of art and through other relevant organizations;

(f) Contributing to the UNESCO database of national laws and regulations pertaining to cultural property.

Guideline 4. States should consider, as appropriate, establishing a central national authority or empowering an existing authority, and/or enact other mechanisms, for coordinating the activities related to the protection of cultural property against trafficking and related offences.

B. The role of cultural institutions and the private sector

Guideline 5. States should consider encouraging cultural institutions and the private sector to adopt codes of conduct and to disseminate best practices on policies on the acquisition of cultural property.

Guideline 6. States should encourage cultural institutions and the private sector to report suspected trafficking in cultural property cases to law enforcement authorities.

Guideline 7. States should consider promoting and supporting training on cultural property regulations for cultural institutions and the private sector, in cooperation

with relevant international organizations, including, inter alia, rules on the acquisition of cultural property.

Guideline 8. States should encourage, as appropriate, Internet providers and web-based auctioneers and vendors to cooperate in preventing trafficking in cultural property, including through the adoption of specific codes of conduct.

C. Monitoring

Guideline 9. States should consider, in accordance with the relevant international instruments, introducing and implementing appropriate import and export control procedures, such as certificates for the export and import of cultural property.

Guideline 10. States should consider creating and implementing monitoring measures for the market of cultural property, including for the Internet.

Guideline 11. States should, where possible, create and implement programmes for research, mapping and surveillance of archaeological sites for the purpose of protecting them against pillage, clandestine excavations and trafficking.

D. Education and public awareness

Guideline 12. States should consider supporting and promoting public awareness campaigns, including through the media, to foster among the general public a culture of concern about trafficking in cultural property for the purpose of protecting that cultural property against pillage and trafficking.

II. Criminal justice policies

A. International legal texts

Guideline 13. States should consider adopting legislation criminalizing trafficking in cultural property and related offences in accordance with applicable existing international instruments, in particular the Organized Crime Convention, relating to trafficking in cultural property and related offences.

Guideline 14. In bilateral cooperation, States may consider making use of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property.[a]

B. Criminal and administrative offences

Guideline 15. States should consider defining the concept of "cultural property", including movable and immovable cultural property, when necessary, for the purposes of criminal law.

Guideline 16. States should consider criminalizing, as serious offences, acts, inter alia, such as:

(a) Trafficking in cultural property;

(b) Illicit export and illicit import of cultural property;

[a] Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1, annex.

(c) Theft of cultural property, or elevating the offence of ordinary theft to a serious offence when it involves cultural property;

(d) Looting of archaeological and cultural sites, and/or illicit excavation;

(e) Conspiracy or participation in an organized criminal group for trafficking in cultural property and related offences;

(f) Laundering, as referred to in article 6 of the Organized Crime Convention, of trafficked cultural property.

Guideline 17. States should consider introducing in their criminal legislation other offences, such as damaging or vandalizing cultural property and the acquisition, with conscious avoidance of the legal status, of trafficked cultural property, when such offences are related to trafficking in cultural property.

Guideline 18. States should consider introducing obligations, as appropriate, to report suspected cases of trafficking of and related offences against cultural property, and to report the discovery of archaeological sites, archaeological finds or other objects of relevant cultural interest and, for those States that have done so, to criminalize the failure to meet those obligations.

Guideline 19. States should consider making it possible, in a way not contradictory to their fundamental legal principles, to infer a perpetrator's knowledge that an object has been reported as trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded, on the basis of objective factual circumstances, including, inter alia, when the cultural property is registered as such in a publicly accessible database.

C. Criminal and administrative sanctions

Guideline 20. States should consider providing proportionate, effective and dissuasive sanctions for the above-mentioned criminal offences.

Guideline 21. States may consider adopting custodial sanctions for some selected criminal offences so as to meet the standard, required under article 2 (b) of the Organized Crime Convention, for "serious crime".

Guideline 22. States should consider adopting bans, disqualifications and the revocation of licences as complementary criminal or administrative sanctions whenever possible.

D. Corporate liability

Guideline 23. States should consider introducing or extending liability (criminal, administrative or civil in nature) of corporations or legal persons for the above-mentioned offences.

Guideline 24. States should consider introducing proportionate, effective and dissuasive sanctions for corporate offences of trafficking in cultural property and related offences, including fines, bans or disqualifications, the revocation of licences, and the revocation of benefits, including tax exemptions or government subsidies where possible.

E. Seizure and confiscation

Guideline 25. States should consider introducing criminal investigation and the search, seizure and confiscation of trafficked cultural property, as well as the proceeds of crimes related to such trafficking, and ensure its return, restitution or repatriation.

Guideline 26. States should consider, in a way not contradictory to their fundamental legal principles, the possibility of requiring that the alleged offender, the owner or the holder (if different) demonstrate the lawful origin of cultural property liable to seizure or confiscation for trafficking or related offences.

Guideline 27. States should consider introducing confiscation of the proceeds of the offence or of property of a value equivalent to such proceeds.

Guideline 28. States may consider using confiscated economic assets for financing expenses for recovery and other prevention measures.

F. Investigations

Guideline 29. States should consider creating specialized law enforcement bodies or units for trafficking in cultural property and related offences, as well as providing specialized training for customs officials, law enforcement personnel and public prosecutors.

Guideline 30. States should consider enhancing coordination, at both the national and international levels, among law enforcement bodies in order to increase the probability of discovering and successfully investigating trafficking in cultural property and related offences.

Guideline 31. States may consider, in the investigation of the above-mentioned offences, especially if related to organized crime, allowing for the appropriate use by their competent authorities of controlled delivery and other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within their territory, and to allow for the admissibility in court of evidence derived therefrom.

III. Cooperation

A. Jurisdiction

Guideline 32. States should consider establishing their jurisdiction over the above-mentioned criminal offences when such offences are committed within their territory or when committed outside their territory by one of their nationals, in a manner consistent with the principles of sovereign equality, the territorial integrity of States and the non-intervention in the domestic affairs of other States, as enshrined in the Charter of the United Nations and the Organized Crime Convention.

B. Judicial cooperation in criminal matters

Guideline 33. States that have not yet done so should consider becoming parties to existing international law instruments, in particular the Organized Crime Convention, and use them as a basis for international cooperation in criminal matters in respect of trafficking in cultural property and related offences.

Guideline 34. States should consider providing each other with the widest possible mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the above-mentioned offences, also in order to enhance the effectiveness and speed of the procedures.

Guideline 35. States should contribute to and regularly update the UNESCO database of national cultural heritage laws and any other relevant database.

C. Extradition

Guideline 36. States should consider making the crimes against cultural property enumerated in guideline 16 extraditable offences. In the context of extradition procedures, States should also consider adopting and applying, where possible, provisional measures to preserve the cultural property related to the alleged offence for the purpose of restitution.

Guideline 37. States should consider enhancing the effectiveness and speed of extradition for trafficking in cultural property and related offences, where such offences are considered extraditable.

Guideline 38. States should consider, in the case of refusal of extradition only on the basis of nationality, submitting, when requested by the State that had sought extradition, the case to the competent authority in order to consider prosecution.

D. International cooperation for purposes of seizure and confiscation

Guideline 39. States should consider cooperating in identifying, tracing, seizing and confiscating trafficked, illicitly exported or imported, stolen, looted or illicitly excavated, illicitly traded or missing cultural property.

Guideline 40. States may consider putting in place mechanisms to enable the contribution of confiscated financial assets to international or intergovernmental bodies concerned with the fight against transnational organized crime, including trafficking in cultural property and related offences.

E. International cooperation among law enforcement and investigating authorities

Guideline 41. States should consider enhancing the exchange of information on trafficking in cultural property and related offences by sharing or interconnecting inventories of cultural property and databases on trafficked, illicitly exported or imported, stolen, looted or illicitly excavated, illicitly traded or missing cultural property, and/or contributing to international ones.

Guideline 42. States should consider, where appropriate, in the framework of international judicial cooperation, enhancing the exchange of information on previous convictions and ongoing investigations of trafficking in cultural property and related offences.

Guideline 43. States should consider concluding bilateral or multilateral agreements or arrangements in order to establish joint investigative teams for trafficking in cultural property and related offences.

Guideline 44. States should consider assisting each other in planning and implementing specialized training programmes for law enforcement personnel.

Guideline 45. States should consider enhancing or establishing privileged channels of communication between their law enforcement agencies.

F. Return, restitution or repatriation

Guideline 46. States should consider, in order to enhance international cooperation in criminal matters, undertaking appropriate measures to recover trafficked, illicitly exported or imported, stolen, looted or illicitly excavated or illicitly traded cultural property for the purpose of their return, restitution or repatriation.

Guideline 47. States should consider pondering, procedurally, as appropriate, the owner State's provisions on national or State ownership in order to facilitate the return, restitution or repatriation of public cultural property.

IV. Scope of application

Guideline 48. States should consider applying the guidelines in any situation, including exceptional circumstances, that foster trafficking in cultural property and related offences, in the framework of the above-mentioned conventions and other relevant international instruments.

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Economic and Social Council

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Commission on Crime Prevention and Criminal Justice
Twenty-third session
Vienna, 12-16 May 2014
Item 7 of the provisional agenda**
World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

Norway and United States of America: draft resolution

Strengthening a targeted crime prevention and criminal justice response to combat illicit trafficking in timber and forest products

The Commission on Crime Prevention and Criminal Justice,

Reaffirming its resolution 16/1 of 27 April 2007, entitled "International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources," in which, inter alia, the Commission strongly encouraged Member States to cooperate at the bilateral, regional and international levels to prevent, combat and eradicate illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, where appropriate, through the use of international legal instruments such as the United Nations Convention against Transnational Organized Crime[1] and the United Nations Convention against Corruption,[2]

Recognizing the role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora[3] as the principal international instrument for ensuring that international trade in specimens of wild animals and plants does not threaten their survival, and also recognizing the efforts made to implement that Convention by the parties thereto,

Recalling General Assembly resolution 62/98 of 17 December 2007, by which the Assembly adopted the non-legally binding instrument on all types of forests,

* Second reissue for technical reasons (7 May 2014).
** E/CN.15/2014/1.
[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[2] Ibid., vol. 2349, No. 42146.
[3] Ibid., vol. 993, No. 14537.

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contained in the annex to that resolution, which states that Member States should enhance bilateral, regional and international cooperation to address illicit international trafficking in forest products through the promotion of forest law enforcement and good governance at all levels,

Recalling also Economic and Social Council resolution 2008/25 of 24 July 2008, in which the Council encouraged Member States to continue to provide the United Nations Office on Drugs and Crime with information on measures taken pursuant to Commission on Crime Prevention and Criminal Justice resolution 16/1, taking into consideration, inter alia, the need for holistic and comprehensive national multisectoral approaches to preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, as well as for international coordination and cooperation in support of such approaches, including through technical assistance activities to build the capacity of relevant national officials and institutions,

Recalling further the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which the States Members of the United Nations acknowledged the challenge posed by emerging forms of crime that have a significant impact on the environment, encouraged Member States to strengthen their national crime prevention and criminal justice legislation and invited them to enhance international cooperation, technical assistance and the sharing of best practices in that area, and invited the Commission on Crime Prevention and Criminal Justice to study the nature of the challenge and ways to deal with it effectively,

Recalling Economic and Social Council resolution 2011/36 of 28 July 2011, in which the Council invited Member States to consider making illicit trafficking in endangered species of wild fauna and flora a serious crime, in accordance with their national legislation and article 2, paragraph (b), of the Organized Crime Convention, especially when organized criminal groups are involved,

Emphasizing Economic and Social Council resolution 2012/19 of 26 July 2012, in which the Council urged Member States to consider, among other effective measures, in accordance with their national legal systems, addressing different forms and manifestations of transnational organized crime that have a significant impact on the environment, including trafficking in endangered species of wild fauna and flora,

Reaffirming Economic and Social Council resolution 2013/40 of 25 July 2013, in which the Council encouraged Member States to make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime, as defined in article 2, paragraph (b), of the Organized Crime Convention, in order to ensure that adequate and effective means of international cooperation could be afforded under the Convention in the investigation and prosecution of those engaged in illicit trafficking in protected species of wild fauna and flora,

Reaffirming also that in its resolution 68/193 of 18 December 2013, the General Assembly emphasized that coordinated action was critical to eliminate

corruption and disrupt the illicit networks that drive and enable trafficking in wildlife, timber and timber products harvested in contravention of national laws,

Recalling that, in that same resolution, the General Assembly strongly encouraged Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement and related efforts to combat individuals and groups, including organized criminal groups, operating within their borders, with a view to preventing, combating and eradicating international trafficking in wildlife, forest products, including timber, and other forest biological resources harvested in contravention of national laws and relevant international instruments,

Mindful of the need to address illicit trafficking in timber and forest products, which contributes to deforestation and forest degradation, which in turn have an adverse impact on biodiversity, climate and livelihoods,

Recognizing the linkages between illicit trafficking in timber and forest products and transnational organized crime, illicit financial flows and corruption,

Deeply concerned that illicit trafficking in timber and forest products fuels corruption and threatens the security, stability and rule of law of Member States, and recognizing the need to strengthen collectively efforts to combat such corruption and the illicit networks involved in transnational illicit trafficking in timber and forest products,

Conscious of the need to promote initiatives to discourage illicit trafficking in timber and forest products, thus encouraging only legal trade,

Acknowledging the crucial role played by all relevant stakeholders, including civil society, in combating illicit trafficking in timber and forest products,

1. *Encourages* Member States to make illicit trafficking in timber and forest products involving organized criminal groups a serious crime, as defined in article 2, paragraph (b), of the United Nations Convention against Transnational Organized Crime,[4] in order to ensure that adequate and effective means of international cooperation can be afforded under the Convention in the investigation and prosecution of those engaged in illicit trafficking in timber and forest products;

2. *Also encourages* Member States to undertake and promote bilateral, regional, subregional and international law enforcement cooperation to promote the sustainable management and conservation of forests through cross-border information-sharing, detection, interdiction and investigation efforts aimed at countering illicit trafficking in timber and forest products between supply, transit and demand States;

3. *Strongly encourages* Member States to develop and implement, where necessary and consistent with international obligations, domestic and regional policies aimed at countering illicit trafficking in timber and forest products;

4. *Also strongly encourages* Member States to strengthen, where necessary, their domestic legal and criminal regimes and their law enforcement and judicial capacity, consistent with their international obligations and national legislation, to

[4] Ibid., vol. 2225, No. 39574.

ensure that relevant criminal laws, including appropriate penalties and sanctions, are available to address illicit trafficking in timber and forest products;

5. *Further strongly encourages* Member States to adopt criminal laws and harsher penalties to ensure adequate and effective measures to deter criminals involved in illicit trafficking in timber and forest products;

6. *Requests* Member States to take full advantage of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption,[5] in appropriate cases, to prevent and combat illicit trafficking in timber and forest products, and in that regard calls upon Member States that have not done so to consider becoming parties to those Conventions and calls for their full and effective implementation by States parties;

7. *Urges* Member States to address the problem of corruption and money-laundering facilitating trafficking in timber and forest products and related offences by adopting or amending legislation, as necessary, criminalizing corruption and bribery, including in cases where corruption and bribery facilitate trafficking in timber and forest products and related offences, and money-laundering predicated on such offences, and to institute measures to establish and promote effective practices aimed at the prevention of corruption and the detection of money-laundering, particularly in cases involving trafficking in timber and forest products;

8. *Commends* the efforts of the Commission on Crime Prevention and Criminal Justice to support Member States in the implementation of the *Wildlife and Forest Crime Analytic Toolkit* to assess the capacity of relevant forest law enforcement authorities and judiciaries in investigating, prosecuting and adjudicating forest-related offences, with the aim of developing the technical assistance and capacity-building activities of Member States;

9. *Invites* the United Nations Office on Drugs and Crime, in coordination with other United Nations bodies and international organizations, as appropriate and within their respective mandates, to promote enforcement related to illicit trafficking in timber and forest products and addressing its impact on security and sustainable development;

10. *Also invites* the United Nations Office on Drugs and Crime to consider cooperation, as appropriate, with member organizations of the Collaborative Partnership on Forests to promote effective forest law enforcement and governance, including by strengthening support for existing instruments and programmes such as the Thematic Programme on Forest Law Enforcement, Governance and Trade of the International Tropical Timber Organization;

11. *Encourages* the United Nations Office on Drugs and Crime, in consultation with relevant intergovernmental organizations, to continue to provide technical assistance and training to combat illicit international trafficking in timber and forest products, and to promote the development of tools and technologies to enhance the detection, interdiction and prosecution of such crimes, in accordance with the rules and procedures of the United Nations;

[5] Ibid., vol. 2349, No. 42146.

12. *Requests* the United Nations Office on Drugs and Crime, in consultation with interested Member States and relevant intergovernmental organizations, to undertake case studies that identify drivers of illicit international trafficking in timber and forest products at the national and local levels, including the role of organized criminal networks and government transparency and accountability, subject to extrabudgetary resources;

13. *Invites* Member States and other donors to provide extrabudgetary contributions for such purposes, in accordance with the rules and procedures of the United Nations;

14. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session.

United Nations E/CN.15/2014/L.5

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Items 4 and 5 (d) of the provisional agenda*

Thematic discussion on international cooperation in criminal matters

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters

Argentina: draft resolution

Strengthening the legal basis for international judicial cooperation in criminal matters

The Commission on Crime Prevention and Criminal Justice,

Recalling paragraph 16 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[1] adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and endorsed by the General Assembly in its resolution 65/230 of 21 December 2010, in which Member States recognized that international cooperation in criminal matters in accordance with international obligations and national laws is a cornerstone of the efforts of States to prevent, prosecute and punish crime, in particular in its transnational forms, and encouraged the continuation and reinforcement of such activities at all levels,

Recalling also paragraphs 20 and 21 of the Salvador Declaration, in which Member States expressed their awareness that gaps might exist in relation to international cooperation in criminal matters, invited the Commission on Crime Prevention and Criminal Justice to consider reviewing that issue and explore the

* E/CN.15/2014/1.

[1] General Assembly resolution 65/230, annex.

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need for various means of addressing gaps that were identified and, furthermore, called upon Member States, consistent with their international obligations, to establish or strengthen, as appropriate, central authorities fully empowered and equipped to deal with requests for international cooperation in criminal matters,

Recalling further General Assembly resolution 65/232 of 21 December 2010, in which the Assembly recognized that, thanks to its broad membership and wide scope of application, the United Nations Convention against Transnational Organized Crime[2] offered an important basis for international cooperation, inter alia for extradition, mutual legal assistance and confiscation, and represented in that regard a useful tool that should be further utilized, and furthermore called upon Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter effectively transnational organized crime,

Considering that criminal investigations, prosecutions and proceedings very often involve suspects, witnesses, evidence or assets located outside the territory of the State that is conducting the investigation, prosecution or proceeding,

Underlining the need to strengthen international cooperation to effectively prevent, prosecute and punish crime,

Stressing that international cooperation in criminal matters plays an important role in achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime,

Emphasizing the dimensions that both mutual legal assistance and extradition have attained,

Noting with satisfaction that much progress has been made at the national and international levels in fighting crime, in particular in its transnational forms,

Bearing in mind the United Nations standards and norms in crime prevention and criminal justice that focus on the area of international judicial cooperation in criminal matters, in particular the Model Treaty on Extradition[3] and the Model Treaty on Mutual Assistance in Criminal Matters,[4]

Reiterating the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[5] as the main tools of the international community to fight transnational organized crime,

Reaffirming the significant usefulness of the pertinent provisions on international cooperation in criminal matters, particularly extradition and mutual legal assistance, of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption[6] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[7]

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[2] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[3] General Assembly resolution 45/116, annex, and resolution 52/88, annex.

[4] General Assembly resolution 45/117, annex, and 53/112, annex I.

[5] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[6] Ibid., vol. 2349, No. 42146.

[7] Ibid., vol. 1582, No. 27627.

Concerned that the existing legal framework may not be for all Member States a sufficient legal basis for mutual legal assistance or extradition in all cases,

Considering that international judicial cooperation in criminal matters, owing to the major role that it has acquired in recent years, should be addressed from a global perspective and as a separate issue,

Considering also that direct contact between central authorities, with proper expertise on international judicial cooperation in criminal matters, builds ties of mutual trust for facilitating cooperation,

1. *Expresses* its willingness to strengthen the legal framework for international cooperation in order to facilitate and promote investigation and prosecution in criminal matters;

2. *Recommends* that international judicial cooperation in criminal matters should be addressed in an autonomous manner, with respect to the different groups of crimes of concern to the international community;

3. *Urges* Member States to address the issue of strengthening and enhancing the international legal framework for mutual legal assistance and extradition and to examine the possibility of creating a global instrument on international judicial cooperation in criminal matters, as a modern and useful tool for fighting crime;

4. *Encourages* Member States to examine the possibility of creating a global network of central authorities, fully empowered and equipped to deal with requests for international cooperation in criminal matters.

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Item 5 (d) of the provisional agenda*
Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters

Thailand: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Advancing the rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, as well as to the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels,[1]

Strongly determined to reinvigorate political will and to raise the level of the international community's commitment to move the sustainable development agenda forward, through the achievement of internationally agreed development goals, including the Millennium Development Goals,

Taking note of the report of the Secretary-General entitled "A life of dignity for all: accelerating progress towards the Millennium Development Goals and

* E/CN.15/2014/1.
[1] General Assembly resolution 67/1.

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advancing the United Nations development agenda beyond 2015",[2] in particular its paragraphs 95 and 116,

Aware of the recommendations of the Secretary-General's High-level Panel of Eminent Persons on the Post-2015 Development Agenda, which included a call for peace and good governance to be recognized as core elements of well-being, not optional extras and as a "universal agenda" for all countries,

Reiterating that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law,

Recalling its resolution 67/186 of 20 December 2012, entitled "Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking" and its resolution 68/188 of 18 December 2013, entitled "The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015",

Acknowledging the centrality of crime prevention and the criminal justice system to the rule of law, and also acknowledging that long-term sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other,

Reaffirming the importance of promoting the full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[3] the United Nations Convention against Corruption[4] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[5] as well as relevant international anti-terrorism instruments, as appropriate, and also drawing on the existing United Nations standards and norms in crime prevention and criminal justice,

Mindful of the negative effects on development, peace and security and human rights posed by transnational crime, including the smuggling of migrants and trafficking in human beings, the world drug problem, in particular illicit drug trafficking and associated money-laundering, terrorist activities and the illicit trade in small arms and light weapons, and taking into account the increasing vulnerability of States to such crimes,

Taking note of the Geneva Declaration on Armed Violence and Development of 7 June 2006,[6] and the declarations adopted by regional conferences hosted by the Governments of Guatemala, Kenya and Thailand that aimed at raising awareness among Member States of the relationship between armed violence and development,

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[2] A/68/202.

[3] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[4] Ibid., vol. 2349, No. 42146.

[5] Ibid., vol. 1582, No. 27627.

[6] A/63/494, annex I.

Concerned about the serious threat that armed violence and its links to transnational organized crime pose to human development, security and the rule of law, hindering the achievement of the Millennium Development Goals by reducing national income and productivity, diverting investment and rolling back hard-won development gains,

Recognizing that integrated crime prevention strategies, including comprehensive firearms control regimes, can greatly contribute to the enhancement of the rule of law and community security, and in this regard welcoming the adoption of the Arms Trade Treaty in April 2013 as a major step towards the regulation of the licit trade in conventional arms, including firearms, and the prevention of their diversion and illicit trafficking,

Recognizing also the importance of ensuring that women, on the basis of equality between men and women, fully enjoy the benefits of the rule of law, and committed to using law to uphold equal rights and ensure their full and equal participation in society,

Noting with appreciation the efforts of the Government of Thailand in hosting the Bangkok Dialogue on the Rule of Law, held in Bangkok on 15 November 2013, which aimed at promoting the significance and relevance of the rule of law, justice and security to achieving sustainable economic and social development, the eradication of poverty and hunger and the fostering of stable and peaceful societies, and which recommended integrating the rule of law, justice and security into the post-2015 development agenda,

Welcoming the publication of *Accounting for Security and Justice in the Post-2015 Development Agenda* by the United Nations Office on Drugs and Crime in 2013,

Welcoming also the publication of the *Global Study on Homicide 2013: Trends, Contexts, Data* by the United Nations Office on Drugs and Crime, and noting with great concern the high levels of homicides committed with firearms in some regions of the world,

Taking into consideration that the main theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha in 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation",

Convinced that the rule of law, both nationally and internationally, is an essential element in addressing and preventing organized crime and corruption, and noting that it requires strong and efficient justice sector coordination, as well as effective inter-agency cooperation and coordination with other relevant United Nations offices and activities, including in advancing a collaborative agenda for action with respect to a strong preventive approach to crime and violence in urban areas, respect for human rights and the fostering of an effective and fair system of justice, as well personal safety and security,

1. *Reiterates the importance* of the cross-cutting nature of the rule of law, crime prevention and criminal justice and development, and recommends that such linkages and interrelationships be properly addressed and further developed;

2. *Also reiterates* that the post-2015 development agenda should be guided by respect for and promotion of the rule of law, and that crime prevention and criminal justice have an important role in that regard, paying special attention to the work of the Commission on Crime Prevention and Criminal Justice in order to channel its recommendations, as appropriate, into the discussions on the post-2015 development agenda, in close consultation with all relevant stakeholders;

3. *Recognizes* that countries with higher levels of violence and conflict are slower at achieving the Millennium Development Goals and that some groups living in areas with high levels of violence in middle-income countries are excluded from basic services such as health, safety and education;

4. *Underscores* the need for Member States, in their deliberations on the post-2015 development agenda, to draw upon, inter alia, the work of the Open Working Group of the General Assembly on Sustainable Development Goals related to conflict prevention, post-conflict peacebuilding and the promotion of durable peace, rule of law and governance and to develop goals, targets and indicators related to the rule of law, justice and security with a view to attaining a more comprehensive development approach that enhances peaceful and non-violent societies while promoting universal respect for human rights;

5. *Requests* the United Nations Office on Drugs and Crime to continue working collaboratively with other United Nations entities and Member States in the development of justice and security indicators and measurements to be taken into consideration in the discussion on the post-2015 development agenda and to report to the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session on the results of this work;

6. *Stresses* the importance of a comprehensive approach to transitional justice, incorporating the wide range of judicial and non-judicial measures to ensure accountability and promote reconciliation while protecting the rights of victims of crime and of abuse of power, drawing on the work of the United Nations Office on Drugs and Crime, in accordance with its mandates, to support criminal justice reforms and strengthen the rule of law at the national and international levels;

7. *Also stresses* the need for institutions of governance and the judicial system to be gender-sensitive and for the continued promotion of the full participation of women in such institutions;

8. *Further stresses* the importance of promoting the design and implementation of appropriate strategies and policies on the rule of law, crime prevention and criminal justice at the regional and country levels as an effective and coordinated response to transnational and cross-border criminality, particularly in connection with new and emerging dangerous forms of transborder crime;

9. *Requests* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in developing integrated crime prevention strategies to address armed violence and also to continue to support the exchange of expertise and good practices on the prevention and control of firearms-related criminality, especially when associated with and linked to organized crime, in cooperation with civil society;

10. *Also requests* the United Nations Office on Drugs and Crime to update the *United Nations International Study on Firearm Regulation*[7] and, to this end, urges Member States to provide useful information on national laws and their implementation, including through the omnibus self-assessment software, with a view to conducting an updated comparative analysis that would promote greater harmonization of national laws and practices and, accordingly, enhance arms control and prevent arms-related crimes;

11. *Welcomes* the United Nations Office on Drugs and Crime initiative to develop a global study on the transnational dimension, routes and modi operandi used in firearms trafficking, and requests the Office to continue to collect and analyse, in cooperation with Member States, data on illicit firearms trafficking, based on a transparent, reliable and shared methodology, with a view to producing periodic reports on firearms trafficking at the global and regional levels and to supporting the efforts of Member States to monitor illicit trafficking flows more effectively;

12. *Also welcomes* the efforts of the United Nations Office on Drugs and Crime to assist Member States in improving systems for collecting and analysing data on crime prevention and criminal justice at all levels, where necessary, including gender-specific data, in order to further promote the rule of law, crime prevention and criminal justice in the post-2015 development agenda;

13. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network to continue to include in their work programmes the issues of the rule of law, justice and security, as well as to consider exploring the challenges posed by armed violence and illicit trafficking of firearms, and encourages them to develop appropriate training material;

14. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

15. *Requests* the Secretary-General to submit to the General Assembly at its sixty-ninth session a report on the implementation of the present resolution.

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[7] United Nations publication, Sales No. E.98.IV.2.

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Item 8 of the provisional agenda*
Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

Qatar and Thailand: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Emphasizing the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Acknowledging that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in that field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

Recognizing the significant contributions of the United Nations congresses on crime prevention and criminal justice, in promoting the exchange of experience in

* E/CN.15/2014/1.

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research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice, among States, intergovernmental organizations and individual experts representing various professions and disciplines,

Recognizing also the efforts already made by the Government of Qatar to prepare for the hosting of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in Doha, including its generous contribution to support the capacity of the Secretariat to ensure the effective preparations for the Thirteenth Congress,

Recalling its resolution 56/119 of 19 December 2001, on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, in which it stipulated the guidelines in accordance with which, beginning in 2005, the congresses, pursuant to paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme,[1] should be held,

Recalling also its resolution 65/230 of 21 December 2010 and its resolutions 66/179 of 19 December 2011, 67/184 of 20 December 2012 and 68/185 of 18 December 2013 on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,

Recalling further, in particular, that in its resolution 68/185 it decided to hold the Thirteenth Congress in Doha from 12 to 19 April 2015, with pre-Congress consultations to be held on 11 April 2015,

Mindful that in its resolution 68/185 it also decided that the high-level segment of the Thirteenth Congress would be held during the first two days of the Congress in order to allow Heads of State or Government and government ministers to focus on the main theme of the Congress[2] and to enhance the possibility of generating useful feedback,[3]

Mindful also that in its resolution 68/185 it further decided that, in accordance with its resolution 56/119 of 19 December 2001, the Thirteenth Congress would adopt a single declaration, to be submitted to the Commission on Crime Prevention and Criminal Justice for its consideration, and that the declaration would contain the major recommendations reflecting and emerging from the deliberations of the high-level segment, as well as the discussion of the agenda items and the workshops,

1. *Reiterates* its invitation to Governments to take into consideration the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World[4] and the recommendations adopted by the Twelfth United Nations Congress

[1] General Assembly resolution 46/152, annex.

[2] "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation".

[3] See *Official Records of the Economic and Social Council, 2012, Supplement No. 10* (E/2012/30 and Corr.1 and 2), para. 84.

[4] General Assembly resolution 65/230, annex.

on Crime Prevention and Criminal Justice when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

2. *Reiterates* its invitation to Governments and relevant intergovernmental and non-governmental organizations to inform the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice about their activities aimed at the implementation of the Salvador Declaration and the recommendations adopted by the Twelfth Congress, with a view to providing guidance on the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels, and to that end requests the Secretary-General to prepare a report on the subject to be submitted to the Congress for its consideration;

3. *Notes with appreciation* the progress made thus far in the preparations for the Thirteenth Congress;

4. *Takes note with appreciation* of the report of the Secretary-General;[5]

5. *Also takes note with appreciation* of the discussion guide prepared by the Secretary-General, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, for the regional preparatory meetings for the Thirteenth Congress;[6]

6. *Acknowledges* the relevance of the regional preparatory meetings, which have examined the substantive items of the agenda and the workshop topics of the Thirteenth Congress and made action-oriented recommendations[7] to serve as a basis for the draft declaration to be adopted by the Thirteenth Congress;

7. *Requests* the Commission on Crime Prevention and Criminal Justice to begin the preparation of a draft declaration at intersessional meetings to be held well in advance of the Thirteenth Congress, taking into account the recommendations of the regional preparatory meetings;

8. *Emphasizes* the importance of the workshops to be held during the Thirteenth Congress, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and to the institutes of the United Nations crime prevention and criminal justice programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

9. *Reiterates* its invitation to donor countries to cooperate with developing countries to ensure their full participation in the workshops, and encourages States, other entities concerned and the Secretary-General to work together in order to ensure that the workshops focus their the respective issues and achieve practical results, leading to technical cooperation ideas, projects and documents related to

[5] E/CN.15/2014/6.

[6] A/CONF.222/PM.1.

[7] See A/CONF.222/RPM.1/1, A/CONF.222/RPM.2/1, A/CONF.222/RPM.3/1 and A/CONF.222/RPM.4/1.

enhancing bilateral and multilateral efforts in technical assistance activities in crime prevention and criminal justice;

10. *Reiterates* its request to the Secretary-General to make available the resources necessary to ensure the participation of the least developed countries in the Thirteenth Congress, in accordance with past practice;

11. *Encourages* Governments to make preparations for the Thirteenth Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to participating actively in the organization and conduct of the workshops, the submission of national position papers on the various substantive items of the agenda and the encouragement of contributions from the academic community and relevant scientific institutions;

12. *Reiterates* its invitation to Member States to be represented at the Thirteenth Congress at the highest possible level, for example by Heads of State or Government or government ministers and attorneys general, to make statements in the high-level segment on the theme and substantive items of the Congress and to participate actively in its proceedings by sending legal and policy experts with special training and practical experience in crime prevention and criminal justice;

13. *Reiterates* its request to the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Thirteenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress;

14. *Also reiterates* its request to the Secretary-General to encourage the participation of representatives from relevant entities of the United Nations system in the Thirteenth Congress, bearing in mind the main theme, agenda items and workshop topics of the Congress;

15. *Welcomes* the plan for the documentation of the Thirteenth Congress, prepared by the Secretary-General, in consultation with the extended Bureau of the Commission on Crime Prevention and Criminal Justice;[8]

16. *Also welcomes* the appointment by the Secretary-General of a Secretary-General and an Executive Secretary of the Thirteenth Congress, who will perform their functions under the rules of procedure for United Nations congresses on crime prevention and criminal justice;

17. *Requests* the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Thirteenth Congress, in accordance with past practice;

18. *Requests* the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session to give high priority to considering the conclusions and recommendations of the Thirteenth Congress, with a view to recommending,

[8] E/CN.15/2014/6, sect. II.C.

through the Economic and Social Council, appropriate follow-up by the General Assembly at its seventieth session;

19. *Requests* the Secretary-General to ensure proper follow-up to the present resolution and to report thereon to the General Assembly, through the Commission, at its seventieth session.

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Commission on Crime Prevention and Criminal Justice
Twenty-third session
Vienna, 12-16 May 2014
Agenda item 8
Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

Qatar and Thailand: revised draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Emphasizing the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Acknowledging that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in that field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

Recognizing the significant contributions of the United Nations congresses on crime prevention and criminal justice in promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental

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organizations, non-governmental organizations and individual experts representing various professions and disciplines,

Recognizing also the efforts already made by the Government of Qatar to prepare for the hosting of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in Doha, including its generous contribution to support the capacity of the Secretariat to ensure the effective preparations for the Thirteenth Congress,

Recalling its resolution 56/119 of 19 December 2001, on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, in which it stipulated the guidelines in accordance with which, beginning in 2005, the congresses, pursuant to paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme,[1] should be held,

Recalling also its resolution 65/230 of 21 December 2010 and its resolutions 66/179 of 19 December 2011, 67/184 of 20 December 2012 and 68/185 of 18 December 2013 on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,

Recalling further, in particular, that in its resolution 68/185 it decided to hold the Thirteenth Congress in Doha from 12 to 19 April 2015, with pre-Congress consultations to be held on 11 April 2015,

Mindful that in its resolution 68/185 it also decided that the high-level segment of the Thirteenth Congress would be held during the first two days of the Congress in order to allow Heads of State or Government and government ministers to focus on the main theme of the Congress[2] and to enhance the possibility of generating useful feedback,[3]

Mindful also that in its resolution 68/185 it further decided that, in accordance with its resolution 56/119 of 19 December 2001, the Thirteenth Congress would adopt a single declaration, to be submitted to the Commission on Crime Prevention and Criminal Justice for its consideration, and that the declaration would contain the major recommendations reflecting and emerging from the deliberations of the high-level segment, as well as the discussion of the agenda items and the workshops,

1. *Reiterates its invitation* to Governments to take into consideration the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World[4] and the recommendations adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice when formulating legislation and policy directives, and to make all efforts, where appropriate, to implement the principles

[1] General Assembly resolution 46/152, annex.

[2] "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation".

[3] See *Official Records of the Economic and Social Council, 2012, Supplement No. 10* (E/2012/30 and Corr.1 and 2), para. 84.

[4] General Assembly resolution 65/230, annex.

contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

2. *Reiterates its invitation* to Governments and relevant intergovernmental and non-governmental organizations to inform the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice about their activities aimed at the implementation of the Salvador Declaration and the recommendations adopted by the Twelfth Congress, with a view to providing guidance on the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels, and to that end requests the Secretary-General to prepare a report on the subject to be submitted to the Congress for its consideration;

3. *Notes with appreciation* the progress made thus far in the preparations for the Thirteenth Congress;

4. *Takes note with appreciation* of the report of the Secretary-General;[5]

5. *Also takes note with appreciation* of the discussion guide prepared by the Secretary-General, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, for the regional preparatory meetings for the Thirteenth Congress;[6]

6. *Acknowledges* the relevance of the regional preparatory meetings, which have examined the substantive items of the agenda and the workshop topics of the Thirteenth Congress and made action-oriented recommendations[7] to serve as a basis for the draft declaration to be adopted by the Thirteenth Congress;

7. *Requests* the Commission on Crime Prevention and Criminal Justice to begin, in accordance with General Assembly resolution 68/185, the preparation of a short and concise draft declaration reflecting the theme of the Congress, at intersessional meetings to be held well in advance of the Thirteenth Congress, taking into account the recommendations of the regional preparatory meetings and consultations with relevant organizations and entities;

8. *Emphasizes* the importance of the workshops to be held during the Thirteenth Congress, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and to the institutes of the United Nations crime prevention and criminal justice programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

9. *Reiterates its invitation* to donor countries to cooperate with developing countries to ensure their full participation in the workshops, and encourages States, other entities concerned and the Secretary-General to work together in order to ensure that the workshops focus on their respective issues and achieve practical results, leading to technical cooperation ideas, projects and documents related to enhancing bilateral and multilateral efforts in technical assistance activities in crime prevention and criminal justice;

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[5] E/CN.15/2014/6.

[6] A/CONF.222/PM.1.

[7] See A/CONF.222/RPM.1/1, A/CONF.222/RPM.2/1, A/CONF.222/RPM.3/1 and A/CONF.222/RPM.4/1.

10. *Reiterates its request* to the Secretary-General to make available the resources necessary to ensure the participation of the least developed countries in the Thirteenth Congress, in accordance with past practice;

11. *Encourages* Governments to make preparations for the Thirteenth Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to participating actively in the organization and conduct of the workshops, the submission of national position papers on the various substantive items of the agenda and the encouragement of contributions from the academic community and relevant scientific institutions;

12. *Reiterates its invitation* to Member States to be represented at the Thirteenth Congress at the highest appropriate level, for example by Heads of State or Government or government ministers and attorneys general, to make statements in the high-level segment on the theme and substantive items of the Congress and to participate actively in its proceedings by sending legal and policy experts with special training and practical experience in crime prevention and criminal justice;

13. *Reiterates its request* to the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Thirteenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress;

14. *Also reiterates its request* to the Secretary-General to encourage the participation of representatives from relevant entities of the United Nations system in the Thirteenth Congress, bearing in mind the main theme, agenda items and workshop topics of the Congress;

15. *Welcomes* the plan for the documentation of the Thirteenth Congress, prepared by the Secretary-General in consultation with the extended Bureau of the Commission on Crime Prevention and Criminal Justice;[8]

16. *Also welcomes* the appointment by the Secretary-General of a Secretary-General and an Executive Secretary of the Thirteenth Congress, who will perform their functions under the rules of procedure for United Nations congresses on crime prevention and criminal justice;

17. *Requests* the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Thirteenth Congress, in accordance with past practice;

18. *Requests* the Commission on Crime Prevention and Criminal Justice to give high priority at its twenty-fourth session to considering the declaration of the Thirteenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its seventieth session;

19. *Requests* the Secretary-General to ensure proper follow-up to the present resolution and to report thereon, through the Commission, to the General Assembly at its seventieth session.

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[8] E/CN.15/2014/6, sect. II.C.

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Commission on Crime Prevention and Criminal Justice
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Item 5 of the provisional agenda*
Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice

Belarus: draft resolution

Preventing trafficking in organs, including trafficking in persons for the purpose of organ removal

The Commission on Crime Prevention and Criminal Justice,

Recalling General Assembly resolution 59/156 of 20 December 2004, entitled "Preventing, combating and punishing trafficking in human organs",

Recalling also the report of the Secretary-General entitled "Preventing, combating and punishing trafficking in human organs" [1]

Recalling further the United Nations Convention against Transnational Organized Crime[2] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[3]

Recognizing that the United Nations Global Plan of Action to Combat Trafficking in Persons,[4] inter alia, promotes universal ratification and implementation of the Organized Crime Convention and the Trafficking in Persons Protocol,

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* E/CN.15/2014/1.
[1] E/CN.15/2006/10.
[2] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[3] Ibid., vol. 2237, No. 39574.
[4] General Assembly resolution 64/293, annex.

V.14-02432 (E)

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Taking note with appreciation of the World Health Organization guiding principles on human cell, tissue and organ transplantation, endorsed by the sixty-third World Health Assembly in its resolution 63.22 of 21 May 2010,

Welcoming the joint study by the United Nations and the Council of Europe of 2009, entitled *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs*,

Condemning transplant tourism[5] and trafficking in persons for the purpose of organ removal,

Alarmed at the potential growth of exploitation by criminal groups of human needs, poverty and destitution for the purpose of trafficking in organs, using violence, coercion and kidnapping, especially kidnapping of children, with a view to exploiting them by means of organ transplant operations,

Noting with concern that trafficking in human organs, including trafficking in persons for the purpose of organ removal, wherever it occurs, constitutes a gross violation of the human rights of the victims,

1. *Urges* Member States to combat trafficking in organs, including by preventing and punishing transplant tourism and trafficking in persons for the purpose of organ removal;

2. *Encourages* Member States to exchange experience in and information on preventing, combating and punishing trafficking in organs, including trafficking in persons for organ removal;

3. *Welcomes* the efforts made at the regional level to combat trafficking in organs, including trafficking in persons for the purpose of organ removal;

4. *Requests* the United Nations Office on Drugs and Crime, in collaboration with the States and organizations concerned, to prepare a study on the extent of trafficking in organs, including trafficking in persons for the purpose of organ removal, for submission to the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session;

5. *Invites* Member States to provide relevant information to the United Nations Office on Drugs and Crime.

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[5] This terms appears in World Health Assembly resolution 63.22.

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Item 6 of the provisional agenda*
Use and application of United Nations standards and norms in crime prevention and criminal justice

Argentina, Ecuador, Nicaragua, Norway, Poland, South Africa, Spain and Thailand: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Standard Minimum Rules for the Treatment of Prisoners

The General Assembly,

Guided by two principal purposes of the United Nations, as set out in the preamble to the Charter of the United Nations, and inspired by the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, without discrimination of any kind, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

Aware that the Standard Minimum Rules for the Treatment of Prisoners[1] remain the universally acknowledged minimum standards for the detention of prisoners and that they have been of value and influence in the development of correctional laws, policies and practices since their adoption by the First United

* E/CN.15/2014/1.

[1] Human Rights: A Compilation of International Instruments, Volume I (First Part), Universal Instruments (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

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Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955,

Mindful that in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[2] Member States recognized that an effective, fair and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime and acknowledged the value and impact of the United Nations standards and norms in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

Taking into account the progressive development of international instruments pertaining to the treatment of prisoners since 1955, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and the Optional Protocol thereto,[4]

Taking into account also the relevance of other United Nations standards and norms in crime prevention and criminal justice related to the treatment of prisoners, namely, the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,[5] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[6] the Code of Conduct for Law Enforcement Officials,[7] the Basic Principles for the Treatment of Prisoners,[8] the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[9] the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),[10] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[11] the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),[12] the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[13] the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[14] and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[15]

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[2] General Assembly resolution 65/230, annex.

[3] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[4] Ibid., vol. 2375, No. 24841.

[5] Economic and Social Council resolution 1984/47, annex.

[6] General Assembly resolution 43/173, annex.

[7] General Assembly resolution 34/169, annex.

[8] General Assembly resolution 45/111, annex.

[9] Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

[10] General Assembly resolution 40/33, annex.

[11] General Assembly resolution 45/113, annex.

[12] General Assembly resolution 45/112, annex.

[13] General Assembly resolution 45/110, annex.

[14] General Assembly resolution 65/229, annex.

[15] General Assembly resolution 67/187, annex, including principles on persons who are arrested, detained, suspected of or charged with a criminal offence punishable by a term of imprisonment or the death penalty.

Mindful of its resolution 67/166 of 20 December 2012 on human rights in the administration of justice, in which it recognized the importance of the principle that persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms, and in which the Assembly took note of general comment No. 21 on the humane treatment of prisoners deprived of their liberty, adopted by the Human Rights Committee,[16] as well as Human Rights Council resolution 24/12 of 26 September 2013, in which the Council noted the work of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, reiterating that any changes should not lower any existing standards but should reflect recent advances in correctional science and best practices as well as human rights standards, and, in that regard, invited the Expert Group to continue to benefit from the expertise of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights and other relevant stakeholders,

Recalling its resolution 65/230 of 21 December 2010, in which it requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps, and requested the Expert Group to report to the Commission on progress in its work,

Recalling also its resolutions 67/188 of 20 December 2012 and 68/190 of 18 December 2013 entitled "Standard Minimum Rules for the Treatment of Prisoners", as well as its resolution 68/156 of 18 December 2013 entitled "Torture and other cruel, inhuman or degrading treatment or punishment", in particular its operative paragraph 38,

Recalling further that in its resolution 67/184 of 20 December 2012 on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, the General Assembly decided that one of the workshops to be held within the framework of the Thirteenth Congress would be devoted to the topic "Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders",

1. *Notes with appreciation* the further progress made during the third meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, held in Vienna from 25 to 28 March 2014;

2. *Expresses its gratitude* to the Government of Brazil for its financial support for the third meeting of the Expert Group;

[16] *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40* (A/47/40), annex VI.B.

3. *Acknowledges* the work done by the Expert Group at its previous meetings, held in Vienna and Buenos Aires;[17]

4. *Also acknowledges* the work accomplished by the Secretariat in preparing the relevant documentation, in particular the working paper for the third meeting,[18] as well as the determined progress achieved at the meetings of the Expert Group in reviewing the rules so that they reflect the latest advances in correctional science and good practices;

5. *Expresses appreciation* for the important submissions and suggestions of Member States pursuant to the request to exchange information on best practices and on the revision of the existing Standard Minimum Rules for the Treatment of Prisoners, as reflected in the working paper submitted to the Expert Group at its third meeting;

6. *Reiterates* that any changes to the Standard Minimum Rules should not lower any of the existing standards, but should reflect the recent advances in correctional science and good practices so as to promote safety, security and humane conditions for prisoners;

7. *Acknowledges* the important contributions received from the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment,[19] the Office of the United Nations High Commissioner for Human Rights and the Committee on the Rights of Persons with Disabilities, as well as other submissions received for consideration from a number of intergovernmental and non-governmental organizations,[20] and invites them, in this regard, to continue to contribute to the Expert Group process;

8. *Authorizes* the Expert Group to continue its work, within its mandate, with a view to submitting a report on the revision of the Standard Minimum Rules to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha from 12 to 19 April 2015, and to the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session and requests the Secretary-General to ensure that the required services and support are provided;

9. *Invites* the bureau of the third meeting of the Expert Group to continue to be involved in the revision of the rules by preparing, with the assistance of the Secretariat, a revised consolidated working paper, in all official languages of the United Nations, consisting of the draft revised rules, which should reflect the progress achieved so far, including the recommendations made by the Expert Group at its meetings in Buenos Aires[21] and Vienna,[22] taking also into account proposals for revision put forward by Member States in relation to the areas and rules identified by the General Assembly in operative paragraph 6 of its resolution 67/188 for submission to and consideration by the next meeting of the Expert Group, with a view to facilitating reaching a consensus at that meeting;

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[17] E/CN.15/2012/18, E/CN.15/2013/23 and E/CN.15/2014/19.

[18] UNODC/CCPCJ/EG.6/2014/CRP.1.

[19] A/68/295.

[20] Available at www.unodc.org/unodc/en/justice-and-prison-reform/expert-group-meetings6.html.

[21] See E/CN.15/2013/23.

[22] See E/CN.15/2014/19.

10. *Recognizes* the need for the Expert Group to take into account the social, legal and cultural specificities of Member States;

11. *Expresses its gratitude* to the Government of [...] for its readiness to host the next meeting of the Expert Group, and welcomes any support, in particular financial support, that other interested countries and organizations may wish to provide;

12. *Invites* Member States to actively participate in the next meeting of the Expert Group, and encourages them to include in their delegations officials from the field of correctional science;

13. *Urges* Member States to continue to improve conditions in detention, consistent with the principles of the Standard Minimum Rules and all other relevant and applicable international standards and norms;

14. *Also urges* Member States to promote the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[23] as well as the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;[24]

15. *Recommends* that Member States continue to endeavour to reduce overcrowding and pretrial detention, where appropriate, promote increased access to justice and legal defence mechanisms, reinforce alternatives to imprisonment, and support rehabilitation and reintegration programmes, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);[25]

16. *Reiterates* its request to the Secretary-General to continue to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice by, inter alia, providing advisory services and technical assistance to Member States on request, including assistance in criminal justice and law reform, and in the organization of training for law enforcement and criminal justice personnel and support in the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

17. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network and intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules for the Treatment of Prisoners, in accordance with the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners;[26]

18. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations.

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[23] General Assembly resolution 65/229, annex.

[24] General Assembly resolution 45/113, annex.

[25] General Assembly resolution 45/110, annex.

[26] Economic and Social Council resolution 1984/47, annex.

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Commission on Crime Prevention and Criminal Justice

Twenty-third session

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Items 4 and 5 (d) of the provisional agenda*

Thematic discussion on international cooperation in criminal matters

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters

Saudi Arabia: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

International cooperation in criminal matters

The General Assembly,

Recalling the United Nations Convention against Transnational Organized Crime and the Protocols thereto[1] and the United Nations Convention against Corruption,[2] as well as the United Nations legal instruments against terrorism,

Concerned that transnational organized crime has diversified globally and represents a threat to health and safety, security, good governance and the sustainable development of Member States,

Convinced that new and emerging forms of crime create significant challenges for Member States and that effective responses depend on strengthened international cooperation in criminal matters,

* E/CN.15/2014/1.

[1] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[2] Ibid., vol. 2349, No. 42146.

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Emphasizing the importance of strengthened and collaborative efforts by all Member States to ensure the creation and promotion of strategies and mechanisms in all areas of international cooperation, especially in extradition, mutual legal assistance, transfer of sentenced persons and the confiscation of proceeds of crime,

Convinced that the establishment of bilateral and multilateral arrangements for mutual assistance in criminal matters can contribute to the development of more effective international cooperation to combat transnational crime,

Conscious of the need to respect human dignity, and recalling the rights conferred upon every person involved in criminal proceedings in accordance with international human rights standards,

Recalling its resolutions 45/117 of 14 December 1990 on the Model Treaty on Mutual Assistance in Criminal Matters and 53/112 of 9 December 1998 on mutual assistance and international cooperation in criminal matters,

Recalling also its resolutions 45/116 of 14 December 1990 on the Model Treaty on Extradition and 52/88 of 12 December 1997 on international cooperation in criminal matters,

Recalling further the adoption by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Model Agreement on the Transfer of Foreign Prisoners[3] and the recommendations on the treatment of foreign prisoners,[4]

Recognizing the significant contributions of the United Nations congresses on crime prevention and criminal justice in promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations and individual experts representing various professions and disciplines,

1. *Calls upon* Member States to promote and strengthen international cooperation to further develop the capacities of criminal justice systems, including through efforts to modernize and strengthen relevant legislation related to international cooperation in criminal matters, and the use of modern technology to overcome problems that hinder cooperation in a number of areas, such as witness testimony and the exchange of digital evidence;

2. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[5] the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[1] the United Nations Convention against Corruption[2] and United Nations legal instruments against terrorism;

3. *Calls upon* Member States to apply fully and consistently the provisions contained in the Organized Crime Convention and the Convention against

[3] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report of the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1, annex I.

[4] Ibid., annex II.

[5] United Nations, *Treaty Series*, vol. 1582, No. 27627.

Corruption, as well as other legal instruments pertaining to criminal justice matters that contain "extradite or prosecute" provisions, consistent with the rule of law and the requirements of a fair trial;

4. *Invites* Member States to conclude bilateral agreements or arrangements on international cooperation in criminal matters, and in doing so to give practical effect to the provisions of article 18 of the Organized Crime Convention, pertaining to mutual legal assistance;

5. *Encourages* Member States and relevant international organizations to strengthen cooperation and partnership with the United Nations Office on Drugs and Crime, which serves as the secretariat to the Convention against Corruption and the Organized Crime Convention and the Protocols thereto;

6. *Urges* Member States to establish central authorities responsible for executing mutual legal assistance requests in accordance with article 18, paragraph 13, of the Organized Crime Convention and to eliminate obstacles that impede mutual legal assistance in relation to all forms of serious crime applicable under the Convention, including new and emerging forms of crime;

7. *Requests* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States, upon request, in order to enhance the capacity of experts and staff of central authorities to effectively and expeditiously prepare, execute or oversee the execution of mutual legal assistance requests;

8. *Encourages* Member States to review national legal frameworks, policies and practices with regard to mutual legal assistance, extradition and the transfer of sentenced persons deprived of their liberty, for the purpose of adopting a flexible approach in order to facilitate cooperation and simplify procedures for cooperation among Member States;

9. *Calls upon* Member States to give priority consideration to humanitarian and social dimensions of the transfer of sentenced persons for the purpose of achieving the greatest possible cooperation in the transfer of foreign prisoners so that they serve the rest of their sentence in their own countries;

10. *Requests* the United Nations Office on Drugs and Crime to facilitate communication between central authorities at both the regional and the international level, for the purposes of providing mutual legal assistance and exchanging information;

11. *Also requests* the United Nations Office on Drugs and Crime to collect and disseminate information about national legal requirements of Member States concerning international cooperation in criminal matters;

12. *Further requests* the United Nations Office on Drugs and Crime to continue supporting the establishment and operation of regional cooperation networks for central authorities responsible for processing mutual legal assistance requests, so as to contribute to the exchange of experiences and strengthen knowledge-based expertise in the area of judicial cooperation in criminal matters, and to help to establish international networks and partnerships among Member States;

13. *Requests* the Commission on Crime Prevention and Criminal Justice to review the Model Treaty on Extradition,[6] the Model Treaty on Mutual Assistance in Criminal Matters,[7] the Model Agreement on the Transfer of Foreign Prisoners,[3] and the United Nations standards on the treatment of foreign prisoners, with a view to ensuring their alignment with the Organized Crime Convention and the Convention against Corruption, while taking into account recent challenges posed by new and emerging forms of crime, as well as humanitarian considerations;

14. *Requests* the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to provide input and advice to the Commission with regard to the performance of the tasks foreseen in paragraph 13 above;

15. *Requests* the Commission on Crime Prevention and Criminal Justice to submit to it the revised versions of the instruments cited in paragraph 13 above for its consideration and appropriate action.

[6] General Assembly resolution 45/116, annex, and resolution 52/88, annex.

[7] General Assembly resolution 45/117, annex, and resolution 53/112, annex I.

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Commission on Crime Prevention and Criminal Justice
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Agenda items 4 and 5 (d)

Thematic discussion on international cooperation in criminal matters

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters

Iraq, Jordan, Kuwait, Libya, Morocco, Oman, Qatar, Saudi Arabia, Sri Lanka, Sudan, Tunisia and United Arab Emirates: revised draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

International cooperation in criminal matters

The General Assembly,

Recalling the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[1] the United Nations Convention against Transnational Organized Crime and the Protocols thereto[2] and the United Nations Convention against Corruption,[3] as well as the universal counter-terrorism conventions and protocols,

Concerned that transnational organized crime has diversified globally and represents a threat to health and safety, and the sustainable development of Member States,

[1] United Nations, *Treaty Series*, vol. 1582, No. 27627.
[2] Ibid., *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.
[3] Ibid., vol. 2349, No. 42146.

V.14-03164 (E)

Please recycle

Convinced that new and emerging forms of crime create significant challenges for Member States and that effective responses depend on strengthened international cooperation in criminal matters,

Emphasizing the importance of strengthened and collaborative efforts by all Member States to ensure the creation and promotion of strategies and mechanisms in all areas of international cooperation, especially in extradition, mutual legal assistance, transfer of sentenced persons and the confiscation of proceeds of crime,

Convinced that the establishment of bilateral and multilateral arrangements for mutual assistance in criminal matters can contribute to the development of more effective international cooperation to combat transnational crime,

Conscious of the need to respect human dignity, and recalling the rights conferred upon every person involved in criminal proceedings in accordance with international human rights standards,

Bearing in mind that the United Nations standards and norms in crime prevention and criminal justice provide important tools for the development of international cooperation,

Recalling its resolutions 45/117 of 14 December 1990, on the Model Treaty on Mutual Assistance in Criminal Matters, and 53/112 of 9 December 1998, on mutual assistance and international cooperation in criminal matters,

Recalling also its resolutions 45/116 of 14 December 1990, on the Model Treaty on Extradition, and 52/88 of 12 December 1997, on international cooperation in criminal matters,

Recalling further the adoption by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Model Agreement on the Transfer of Foreign Prisoners[4] and the recommendations on the treatment of foreign prisoners,[5]

Taking into consideration the establishment of the Central American Network of Prosecutors against Organized Crime and the Network of West African Central Authorities and Prosecutors, whose prime objective is to strengthen regional and international cooperation in criminal matters, facilitating cooperation in ongoing cases and the delivery of related legal and technical assistance,

Recognizing the significant contributions of the United Nations congresses on crime prevention and criminal justice in promoting, inter alia, the exchange of experience in research, law and policy development, international cooperation and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations and individual experts representing various professions and disciplines,

1. *Encourages* Member States to promote and strengthen international cooperation to further develop the capacities of criminal justice systems, including through efforts to modernize and strengthen relevant legislation related to

[4] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report of the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1, annex I.

[5] Ibid., annex II.

international cooperation in criminal matters, and the use of modern technology to overcome problems that hinder cooperation in a number of areas, such as witness testimony and the exchange of digital evidence;

2. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[1] the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[2] the United Nations Convention against Corruption[3] and the universal counter-terrorism conventions and protocols;

3. *Calls upon* Member States to apply fully and consistently the provisions in the Organized Crime Convention, the Convention against Corruption and, where applicable, the universal counter-terrorism conventions and protocols relating to the principle "extradite or prosecute", consistent with the rule of law and the requirements of a fair trial;

4. *Invites* Member States to conclude bilateral agreements or arrangements on international cooperation in criminal matters, and in doing so to give practical effect to the relevant provisions under the Convention against Corruption and the Organized Crime Convention and the Protocols thereto;

5. *Encourages* Member States and relevant international organizations to strengthen cooperation and partnership with the United Nations Office on Drugs and Crime, which serves as the secretariat to the Convention against Corruption and the Organized Crime Convention and the Protocols thereto;

6. *Urges* Member States to designate central authorities responsible for receiving mutual legal assistance requests in accordance with article 18, paragraph 13, of the Organized Crime Convention, article 46, paragraph 13, of the Convention against Corruption and article 7, paragraph 8, of the 1988 Convention;

7. *Requests* Member States to ensure that administrative procedures do not hinder mutual legal assistance for offences covered by the Organized Crime Convention, the Convention against Corruption and the universal counter-terrorism conventions and protocols, in accordance with national legislation;

8. *Requests* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States, upon request, in order to enhance the capacity of experts and staff of central authorities to effectively and expeditiously prepare, execute or oversee the execution of mutual legal assistance requests;

9. *Encourages* Member States to review national legal frameworks, policies and practices with regard to mutual legal assistance, extradition and the transfer of sentenced persons deprived of their liberty, for the purpose of simplifying and enhancing international cooperation among Member States;

10. *Calls upon* Member States to give priority consideration to humanitarian and social dimensions of the transfer of sentenced persons, for the purpose of achieving the greatest possible cooperation in the transfer of foreign prisoners so that they serve the rest of their sentence in their own countries;

11. *Requests* the United Nations Office on Drugs and Crime to support central authorities in strengthening communication channels at both the regional and

international levels, for the purposes of enhancing the effectiveness of mutual legal assistance and, where appropriate, exchanging information;

12. *Also requests* the United Nations Office on Drugs and Crime to collect and disseminate information about the national legal requirements of Member States concerning international cooperation in criminal matters, for the purpose of enhancing the knowledge and strengthening the capacity of practitioners so that they can better understand different legal systems and their requirements with regard to international cooperation;

13. *Further requests* the United Nations Office on Drugs and Crime to continue supporting the establishment and functioning of regional cooperation networks of central authorities responsible for dealing with mutual legal assistance requests, so as to contribute to the exchange of experiences and strengthen knowledge-based expertise in the area of judicial cooperation in criminal matters, and to help to establish international networks and partnerships among Member States;

14. *Requests* the Commission on Crime Prevention and Criminal Justice to review the Model Treaty on Extradition,[6] the Model Treaty on Mutual Assistance in Criminal Matters,[7] the Model Agreement on the Transfer of Foreign Prisoners[4] and the United Nations standards on the treatment of foreign prisoners, with a view to ensuring their alignment with the Organized Crime Convention and the Convention against Corruption and, in doing so, to take into account recent challenges posed by new and emerging forms of crime, as well as, where applicable, humanitarian considerations;

15. *Requests* the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to provide input and advice to the Commission with regard to the performance of the tasks foreseen in paragraph 13 above;

16. *Requests* the Commission on Crime Prevention and Criminal Justice to submit to it the revised versions of the instruments cited in paragraph 14 above for its consideration and appropriate action.

[6] General Assembly resolution 45/116, annex, and resolution 52/88, annex.

[7] General Assembly resolution 45/117, annex, and resolution 53/112, annex I.

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Item 8 of the provisional agenda*
Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

Austria and Greece: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

Combating impunity for crimes committed against journalists and media workers

The Economic and Social Council,

Deeply concerned about attacks and violence, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment, against journalists and media workers,

Taking note with appreciation of the *Global Study on Homicide 2013: Trends, Contexts, Data* of the United Nations Office on Drugs and Crime, which reports that there have been 984 documented cases of killings of journalists since 1992, with over 600 of them occurring in the last 10 years, and draws attention to the fact that there is often impunity for many of the abuses against journalists,

Recognizing that impunity for attacks against journalists and media workers constitutes one of the main challenges to strengthening the safety of journalists and media workers,

Expressing concern that there is a growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

* E/CN.15/2014/1.

V.14-02451 (E)

Please recycle

Reaffirming that everyone has the right to life, liberty and security of person,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all in accordance with article 19 of the Universal Declaration of Human Rights[1] and article 19 of the International Covenant on Civil and Political Rights,[2] and acknowledging the particular role of journalists and media workers on matters of public interest, including reporting on crime,

Welcoming the adoption of General Assembly resolution 68/163 of 18 December 2013 on the safety of journalists and the issue of impunity, Human Rights Council resolution 21/12 of 27 September 2012 on the safety of journalists, and Security Council resolution 1738 (2006) of 23 December 2006,

Taking note with appreciation of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression[3] and the Special Rapporteur on extrajudicial, summary or arbitrary executions,[4] submitted to the Human Rights Council at its twentieth session, as well as of the report of the Office of the United Nations High Commissioner for Human Rights on good practices on the safety of journalists,[5] submitted to the Human Rights Council at its twenty-fourth session,

Recalling the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 13 April 2012, which calls, inter alia, for the strengthening of the specific contribution of relevant United Nations agencies, funds and programmes to enhancing the safety of journalists and combating impunity for crimes committed against them,

Acknowledging the importance of the proclamation by the General Assembly of 2 November as the International Day to End Impunity for Crimes against Journalists in order to raise awareness of the issue of impunity,

Noting the good practices of different countries aimed at the protection of journalists,

Stressing the importance of well-functioning, efficient and effective criminal justice systems in order to investigate, prosecute with due process and punish acts of violence against journalists and media workers,

Recalling the adoption of General Assembly resolution 67/184 of 20 December 2012 on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in which the Assembly decided, inter alia, that the main theme of the Thirteenth Congress would be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation",

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[1] General Assembly resolution 217 A (III).

[2] General Assembly resolution 2200 A (XXI), annex.

[3] A/HRC/20/17.

[4] A/HRC/20/22 and Corr.1.

[5] A/HRC/24/23.

1. *Stresses* the important contribution that the United Nations Office on Drugs and Crime can make to combating impunity for crimes committed against journalists and media workers by providing to Member States, upon request and as a matter of high priority, technical cooperation and advisory services with a view to strengthening the capacity of national criminal justice systems to investigate, prosecute and punish such crimes;

2. *Also stresses* the important role that the Commission on Crime Prevention and Criminal Justice can take in combating impunity for crimes committed against journalists and media workers by raising awareness and as a forum for the exchange of experience and good practices among crime prevention and criminal justice stakeholders from all regions on the safety of journalists;

3. *Emphasizes* the importance of strengthening the coordination of the specific contributions that relevant United Nations agencies, funds and programmes, in particular the United Nations Office on Drugs and Crime and the United Nations Educational, Scientific and Cultural Organization, can make to combating impunity for crimes committed against journalists and media workers, given the cross-cutting nature of the issue;

4. *Invites* the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, which will be held in Doha from 12 to 19 April 2015, to consider the safety of journalists and the issue of impunity under item 6 of the provisional agenda, entitled "National approaches to public participation in strengthening crime prevention and criminal justice", as proposed in the discussion guide for the regional preparatory meetings and for the Thirteenth Congress,[6] of which the General Assembly took note with appreciation in its resolution 68/185 of 18 December 2013;

5. *Encourages* the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to invite high-level representatives from other relevant United Nations entities, agencies, funds and programmes, including, in particular, the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization, as well as stakeholders from the media and civil society, to present their activities and exchange views on the safety of journalists and the issue of impunity;

6. *Requests* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office, and in consultation with States and other relevant stakeholders, to prepare a report on criminal justice measures suited to contributing to the safety of journalists, and to present that report to the Thirteenth Congress.

[6] A/CONF.222/PM.1.